[XXXVth YEAR.] THE [No. 1732.]

MARYLAND GAZETTE.

FRIDAY, MARCH 24, 1780.

For the MARYLAND GAZETTE.

NUMBER II.

THE depreſſion of America has been, and will remain, the ultimate object of the king of Great-Britain. But the houſe of Bourbon having interfered, it has become the immediate object, to put down the ſtrength of that houſe. Hence it is, that in his ſpeech* to both houſes of parliament, he is ſilent with regard to his *colonies* of North-America, and ſpeaks only of the "encroaching power of the houſe of Bourbon." This chiefly occupies his thoughts, as the block, firſt to be removed, before he can entertain the leaſt hope of ſhaking our independence. Ireland, catching the celeſtial ſpark of liberty, was kindled to a flame, and it has become the policy of the king of Great-Britain, to grant the free trade demanded, leſt weakened in his ſtrength by the ſeceſſion of that kingdom, he be diverted from his purpoſe of hoſtilities, againſt theſe ſtates. The *mildneſs* of his anſwers to the Iriſh parliament, is the offſpring of this policy, while, at the ſame time, the ambiguity of his expreſſions, in offering an equal, not a *free* trade, ſufficiently diſcovers his natural meanneſs, and duplicity of mind. He gives good words to Ireland, that he may retain her in obedience, for the preſent, reſerving the ground of an evaſion, when it may be convenient for him, to explain away, or retract his conceſſions. But the king can more eaſily grant, to Ireland, the privileges ſhe demands, though humiliating to his views, and contrary to the bent of his ſpirit, than ſurceaſe the war againſt America, becauſe, in the one caſe, he will not ſo ſenſibly deſcend, and confeſs himſelf vanquiſhed, as in the other, where, having denied all right to reſiſt, and affirmed all power to ſubdue, his pride muſt be wounded mortally, in ſeeing every expectation, like a blighted bloſſom, fall to the ground.

The war againſt America, on the part of the king of Great-Britain, is a war of *paſſion*. According to the declaration of his courtiers, he is "his own miniſter." The councils have originated from himſelf; he has dictated the meaſures. Indeed they bear evidently the reſemblance of his mind, which is that of *extreme malice, united with the greateſt weakneſs*. For this reaſon, he will not eaſily deſiſt from his thoughts of ſubjugation. He conceives his reputation immediately intereſted, and feels like an individual, who having ſet on foot an enterprize of ſingular whim and bizare conceit, is unwilling to admit the idea of a diſappointment, as nothing but ſucceſs, even in the eye of the moſt undiſcerning, can relieve the ſhame of the proſecution of it. He is prompted to perſiſt in his reſolution, by every motive of pride unwilling to be humbled, of revenge for reſiſtance to his will, and of cruelty, the exerciſe of which is pleaſing to his nature. The continuance of the war will be in proportion to the exiſtence of theſe motives, and to the duration of his power. The motives will exiſt eternal; his power will not be limited by a ſhort time.

We had heretofore depended, not a little, on the oppoſition of the minority, in the houſe of lords and commons, to the meaſures of the court; apprehending that theſe, in the mean time, would impede the wheels of government, and finally, by rouſing the nation to a ſenſe of their true intereſt, bring them to a ſenſe of juſtice with regard to theſe ſtates. But we have experienced, what was at firſt believed by many, that not the love of liberty, or juſtice, prompted the eloquence of the harangues of theſe men, nor did they vociferate againſt the meaſures of the court, for any other reaſon, but becauſe they themſelves were not the miniſtry. As ſoon as a door of profit, or, of honour was laid open to them, they entered, and their clamours againſt adminiſtration were no more heard. The conduct of *Adams*, is a recent example. This man had uniformly voted againſt adminiſtration in the earlier part of the ſeſſion of parliament preceding the laſt; but, "towards the end of it, having taken a tour through the ſeveral counties, he found that the miniſters were not ſo much to blame, as thoſe whom they had entruſted." We are not to ſuppoſe that "euphryſy or rue, had purged the viſual nerve," at this juncture, but that metals, titles, or favour in ſome otherſhape, had engaged his heart. From this time, the miniſters, are rather inactive, than incapable, and ſome, the greateſt knaves and greateſt dunces in the nation (among which is lord Stormont†) are men of the firſt integrity, and the rareſt abilities.

By means of the influence eſtabliſhed over the venal minds of his parliament, the tyrant will be able to carry on the war as long as his people can ſupply money for that purpoſe; and this will be until the fleets of our ally, and armed veſſels of the ſtates, ſhall beat the fleets, and ſo effectually diſtreſs the trade of Britain, that the manufacturers and farmers of the kingdom ſhall no longer have money to ſupply the taxes neceſſary to carry on the war: and, until, by the regulation of our finances, on this continent, and unanimity amongſt ourſelves, and finally by the expulſion of the enemy from our borders, we ſhall ſtrike away every ground of hope, and leave it no longer poſſible for them, to make the leaſt effort againſt us.

AN ANTI-ANGLICAN.

* *November* 25, 1779.

† *The eaſy triumph which our plenipotentiaries at Paris had over his vigilance and penetration, is an evidence of his incapacity for any office.*

To the PRINTERS.

THE ſachem Ochtartarta, on his way from the Catawba nation, to treat with the congreſs, paſſing through Frederick-town in this ſtate, and hearing of the propoſal of the Senator, to confiſcate the back-lands, belonging to the native Indians, and to ſpare thoſe of the tories, was vehemently enraged, more eſpecially, as theſe lands are ſaid by the Senator to be forfeited "on the principles of the common law," and according to his reaſoning, it is triable, in our courts of juſtice, whether they (the native Indians) are *aliens*, or citizens, *criminal*, or unoffending members." The ſachem, however, compoſing himſelf, with great temper, remarkable in a ſavage, delivered the following *talk*, to be ſent to the Senator, which being taken down by the *interpreter*, is at the ſervice of your paper.

Brother, of the great wigwam— §

Liſten—

The red people have grown up like a tree, in this iſland, and being puſhed by the white people, have leaned againſt the mountain. Have they taken up the hatchet? It is to cut off the toes of thoſe who have put a foot upon our lands.

Brother—The warriors of the bad king over the great water, paddling in their black canoes, have come upon your iſland; and the bad warriors amongſt yourſelves, the yaho-tories, have joined them. Is the hatchet of the red people made of ſtone, and the hatchet of the yaho-tories made of wood, that you ſhould take the lands of the red people who have made a little ſtroke, and ſpare the lands of the yaho-tories who have made a great ſtroke?

Brother, of the great council fire *,—

The great ſpirit has given all men one *talk* which the heart ſpeaks: the red people do not underſtand the common law *talk*; we cannot liſten to it. Do not take our lands by this *talk*.

Brother, of the great *talk* ſtring †—

We cannot come to your little wigwams ‖, to hear the common law *talk*: we cannot give our beaver-ſkins to the *talkers* ‡.

Brother—You are like a bear's foot; you cannot ſee the bright ſun, nor hear the ſtrong wind.

Frederick-town, March 13, 1780.

§ *Houſe of Senators.* * *Legiſlative body.*
† *Long publications.* ‖ *Courts of juſtice.*
‡ *Lawyers.*

To the PUBLIC.

HAVING aſcertained who are Britiſh ſubjects, and that all Britiſh ſubjects are aliens to this ſtate, I ſhall proceed to examine the conſequences, upon the principles of the *common law*.

By the common law of England an *alien* is incapable of holding any eſtate of freehold, and therefore cannot purchaſe lands, or take them by inheritance. When I ſay an alien cannot purchaſe lands, I do not mean that the purchaſe is *void*, but that he cannot receive any benefit thereby; for though it is binding and valid between the *alien* and the former poſſeſſor, yet it ſhall only be for the benefit of the crown; and the caſe is the ſame, whether the *alien* is *ſole* purchaſer, or *jointly* with a ſubject; and ſo ſtrict is the common law, in this reſpect, that if an alien purchaſes lands, and *afterwards* is made a denizen, by which he is enabled to hold real eſtate, yet ſhall he not retain the lands, which he purchaſed *before* that capacity was given to him; but the king ſhall have them. I find alſo that it is eſtabliſhed as a general rule of law, that *no alien* can purchaſe or hold a leaſe for years of any real property; and, that if he takes any ſuch leaſe, it ſhall be for the benefit of the king. The only exception to this rule is the caſe of an *alien friend*, who is a merchant; he may purchaſe a leaſe of years of a *houſe for his habitation*, (but not of any other real property) and the king ſhall not have it *ſo long* as he inhabits *therein*; but *if he departs* from the realm, either of his own free will, or by neceſſity, upon the commencement of a war between England and his nation, the king ſhall have the leaſe. So alſo, in caſe of his death, it ſhall go to the king, and not to his executor or adminiſtrator. From hence it follows, that *all* ſubjects of Great-Britain, being *aliens* in this ſtate, and, in conſequence of the preſent war, *alien enemies*, are, by the common law, which we have adopted, incapable of inheriting or holding any *real eſtate*, either of freehold or for years; and that the ſtate of Maryland is entitled to all the *real* property of any ſuch ſubjects of Great-Britain, which lies within the ſtate, independent of any act of aſſembly paſſed for the purpoſe. Hence alſo we find, that the rejected bill was not, in that reſpect, introductory of a new law, but only *declaratory* of what the common law was before; and would have operated merely by way of commiſſion to authoriſe proper perſons, by inqueſt of office, to ſeize ſuch property into the poſſeſſion of the ſtate, and to diſpoſe thereof for the uſe of the public, and to regulate the manner and terms of the ſales. Which, by the way, is a full anſwer to all thoſe groundleſs inſinuations, that a law, upon the principles of the rejected bill, would be a *retroſpective* law, and inconſiſtent with our bill of rights. Thoſe only are *retroſpective* or *ex poſt facto* laws, and reprobated, as ſuch, by our bill of rights, "which puniſh facts committed *before* the exiſtence of ſuch laws, and *by them only declared criminal*." But the rejected bill would have made no alteration in the criminality of facts, either in their *nature*, or in their conſequences; but left the law in all reſpects as it was before. How unjuſt, how frivolous, then, is all that exaggerated complaint, that we are puniſhing perſons, with the deprivation of *natural and valuable privileges*, "for want of foreſight," in accepting penſions from the Britiſh king, reſiding in the enemy's country, or departing hence, before, or upon, the formation of our new government! when, in truth, *we* are not *conſtituting* any ſuch conduct *criminal*; nor are *we* inflicting any puniſhment upon thoſe perſons, who have adopted it. The deprivation of this property (about which we are contending) *proceeds* from the *immediate operation* of the *common law*, upon *that choice* which its former poſſeſſors imprudently elected to make. The ſubjects of Great-Britain have not any *privilege*, either *natural*, or by *inſtitution of man*, to hold property in this ſtate; how ridiculous, how abſurd is it, then, to accuſe us of depriving them of a privilege, which, by the common law, and by the policy of nations, they never did, nor ever can poſſeſs or enjoy!

The following, among many other good reaſons, are aſſigned, why aliens are incapacitated to inherit or hold lands? The ſtate might thereby become ſubject to foreign influence; the ſecrets of the ſtate be diſcovered; its revenues be taken and enjoyed by foreigners; and its deſtruction be effected; for then ſtrangers in time of war might introduce themſelves into the heart of the ſtate, and be ready to ſet fire to the commonwealth, which is excellently

shadowed by the Trojan horse, in Virgil's Æneid, where a very few men, within the city, did more mischief, in a few hours, than ten thousand men without her walls in ten years.

It is our misfortune, that we have already too many *strangers* among us, who, although by remaining in our government, must be considered as *subjects*, yet are *Britons* in their hearts; who betray our secrets; counteract our measures; oppose our laws; and propagate the seeds of sedition; whose ardent wish it is to see our liberties subverted, and British tyranny triumphant. Shall we, then, blindly court our ruin, by inviting, into our state, a still greater number of our enemies, and bribe them to destroy us, by enabling them to inherit, and bestowing upon them those lands, and that property, which is the undoubted right of the public! Of the dangerous and destructive consequences, which would probably result from so doing, *the Plebean* has kindly given us a caution; for, says he, if the subjects of this state and Great-Britain can mutually hold lands, and the children of persons born *before* the declaration of independence, could, by some means, which might be devised, for that purpose, inherit in the several respective countries, "it might be a *great means* of *reforing* our *former* happy connection." And though *the Plebean*, affecting to be an enemy to confiscation, and conforming himself to the language of tories and British subjects, calls it a *happy* connection, yet it is evident that, in his *real* sentiments, he, and every other friend of the United States, would think that event one of the severest punishments, which could be inflicted, for our sins, by an offended deity; for which reason, it must be the ardent desire of every whig, that our legislature, as the faithful and uncorrupt guardians of our rights and liberties, will, at once, cut off all hopes which our enemies may entertain of that event, by appropriating all British property to the use of the public, and thereby still further securing us against all possibility of so dangerous a connection.

Having shewn, that British subjects cannot, by the common law, hold or inherit any real property, in this state; and having assigned some of the reasons, on which the common law is founded, and pointed out the dangerous tendency of the contrary doctrine; I now proceed to examine, whether British subjects can support any claim or right to *personal* property in this state; and whether they can maintain suits, in our courts of justice, for the recovery of *such* property. Upon looking into this subject, I find, that although an *alien friend* may reside among us, and acquire *personal* property, yet, if, in consequence of a war breaking out between this state, and the nation of which he is a subject, he becomes an *alien enemy*, he cannot, by the common law, sue for, or recover *debts*, or any *other* personal property, "because both are *forfeited* to the state, as a *reprisal* for the damages committed by the dominion in enmity with it *." And that any subject may seize upon the property which alien enemies may have in *their possession*, within the state, wherever he can find it; whether the alien enemy has come of his own voluntary choice, or has been driven by tempests, with his property, into the state †. From whence it follows, that British subjects cannot sue for, or recover, in our courts of justice, any personal property, not even their debts, upon the strict principles of the common law; but that all such property, debts included, are forfeited to the state, as a satisfaction for the damages sustained, and the expences incurred by the war. Nor does the common law make any distinction between the *guilty* and *innocent* subjects of Great-Britain, as the Senator is pleased to stile them, but considers *every individual* of that nation *equally* answerable, as far as the damages and expences sustained; which evidently appears from the form of the plea, in discharge of an action commenced, by an alien enemy; for in the plea it is only alleged, that he is an alien enemy, subject of such a king, in enmity with the state; without setting forth that *he*, who brings the action, is *himself personally criminal*, by assisting in, voting for, or approving of the war.

From the above observations, we find, that all British property, within this state, of every kind whatsoever, is equally liable to be confiscated; and that there is no exception, as some have *ignorantly* imagined, in favour of lands; these, on the contrary, may lawfully and justly be appropriated, to the use of the public, for two reasons; the first, in consequence of the incapacity of aliens, whether friends or foes, to hold or inherit lands among us; and secondly, because *lands*, as well as *personal* property, are answerable for the damages and expences of the war. And if instances cannot readily be referred to, where, upon the commencement of a war, the *real* property of the enemy has been seized and confiscated, it is because, by the policy adopted by nations, the subjects of one state cannot, even in time of peace, hold, or inherit lands, in another; and consequently there can be no *real* property of the enemy's subjects for the state to seize and confiscate in time of war. Leases for years, possessed by aliens, in Great-Britain, are liable to seizure and confiscation.

From the above observations also it is clearly proved, that the right to seize and confiscate the goods of the enemy, in compensation of the damages and expences of the war, is not confined, as the Senator would wish to represent, "*solely* to goods *forcibly taken* from the enemy, on the high seas, and during inroads made into their territories." On the contrary, all the common law principles, which I have mentioned above, are expressly applied, to the regulation of the conduct of the state, with respect to "the goods, moveable or immoveable, which may happen to be in the country of the injured, and be possessed by, or belonging to some of the members of the injuring nation."

This right, which the state possesses, of seizing and confiscating the property of every British subject, indiscriminately, whether personally guilty, or not, being vested in the state for the purpose of reimbursing itself the damages and expences of the war, may justifiably be extended to the seizure and confiscation of as much property as will, at least, be sufficient for that purpose. But the Senator declares the supposition, "that the value of all the goods of British subjects, which this state *can* seize, may exceed the damages and expences of the war, is inadmissible in fact, of course, idle in theory;" therefore it follows as a necessary consequence, that this state may, justifiably, extend her right to the seizure and confiscation of all the goods of British subjects, whether moveable or immoveable, which may be within the state.

Thus far I have investigated the justice of seizing and confiscating British property, *upon the principles of common law*; I shall now shew it to be equally consistent with, and justifiable *by the law of nations*.

I might refer to the message, by the house of delegates, to the senate, where this doctrine is fully established; and to Grotius, Puffendorf, Hutchinson, Burlamaqui, Rutherforth, Vattel, and all the most eminent writers, on the subject, antient or modern; but, on the present occasion, I rather confine myself to an authority, which, with the Senator, must be conclusive, even if it could be questioned by others, I mean, the authority of *The Senator himself*. In his first number he observes that the delegates, in their quotation from Rutherforth, kept back a part, as not answering their purpose; and subjoins, that "it is *pretty remarkable*, that the message enumerates only *two* of the ways of acquiring property, in the goods taken from an enemy, and mentions nothing of the *third*." That is, he thinks it "pretty remarkable" that, after the message had enumerated *two* ways, by which property might be acquired, in goods taken from an enemy, and had, incontestably, proved, that by *those two ways, we might take the goods of British subjects*, and *acquire property in them*, it had not gone farther, and enumerated a *third* way, which was *nothing to the purpose*, nor any way *applicable to the question!* The Senator undertakes to supply this defect, and gives us the following paragraph from that author: "*Thirdly*, a nation which has *committed a crime* may be *punished*, in the same manner with an individual, in the liberty of nature, by being deprived of its goods. Grotius confines *this way* of acquiring property, in war, to *such* goods only as belong either to the *collective* body of the state, or to the *criminal* members of it; and this restriction is a very proper one, *for though an injury, which is done by a nation, is communicated to all the members of it, as far as that injury produces an obligation to repair damages*, yet the *guilt* of it, as it implies a *disposition to do harm*, is conferred to the *collective* person of the nation, and to *those particular members* of it, who have made it their own act, by their immediate and direct consent." Thus far Rutherforth; now let us hear the Senator himself: "There is a plain distinction set up by Grotius" (yet plain as it is, in the very next page the Senator as entirely forgets it, as if no such distinction had ever been made) and approved by Rutherforth, between the goods belonging to the collective body of the state, or its representative, or the criminal members of it, and the goods of such persons as are unoffending, *as far as the injury done lays the injuring nation under an obligation to repair damages, the injury is communicated to all the members of that nation*," (the unoffending as well as others) "but the *guilt* or *criminal intention* is confined to the *collective* person of the nation, &c."

Here then we see the Senator himself exactly coinciding in sentiment with the message; he declares, that as far as the injury done to the state, by Great-Britain, lays that nation under an obligation to repair damages (and the expences of the war is part of the damages) it is communicated to every British subject indiscriminately; and that the goods of every British subject, without distinction, may be taken by this state, and a property in those goods may be acquired, as far as the amount of those damages. He says, writers upon the law of nations distinguish between seizing goods of an enemy, for *reparation of damages*, and the seizing them by *way of punishment*; that in the first case, the goods of *all* the members of the state, although such members may be *unoffending*, are liable to be seized; but, in the *last case*, the seizure ought to be *confined* to the goods, either of the *collective body* of the nation, or of the *criminal* members of it.

We do not contend for the seizure and confiscation of the goods of British subjects, by way of inflicting a punishment, either upon themselves or the nation, however well they, or the nation, might merit it; we contend for it, in order to compensate, in some small degree, the damages and expences of the war; and the Senator himself acknowledges, that all the goods we can seize will not be sufficient for that purpose. And yet, so strangely inconsistent is the Senator, that, immediately after, entirely forgetful of this distinction, so plainly pointed out by Rutherforth, Grotius, and *himself*, he declares that to be unjust, *which* he had acknowledged to be *just*, and calls *that* "*principle erroneous*," which he had *himself* established. Where was the *candour* of the Senator, when he endeavoured to cast an imputation upon the house of delegates, because in their message they did not insert a paragraph, which so far from contradicting the authorities, relied upon by them, expressly agrees with, and confirms those authorities, and incontestably supports the rectitude and justice of seizing and confiscating British property? At that unlucky moment, I fear, that, like the god Baal, it was "asleep, or had gone a far journey." But such is the weakness of humanity, or, to speak with more propriety, such is the nature of *error*, that writers, of the most exalted abilities, when engaged in its support, scarce ever fail to plunge themselves into contradictions, absurdities, and inconsistences, which would scarcely be excusable in a child of the tenderest years.

AN INDEPENDENT WHIG.

Baltimore, March 18, 1780.

To the SENATOR.

I SHALL not enter, with you, into the discussion of the question, whether the *private* property of the *innocent* subjects of Great-Britain is liable to confiscation, by the law of nations. I am convinced by the reasoning and authorities cited in the message of the house of delegates, that the measure may be supported, on principles of justice, and the law of nations, and that you are entirely mistaken in your opinion. You allege, "that the delegates originated the bill for confiscation of British property, on this principle, that *all* British subjects became *aliens* to this state, by the declaration of independence; and on that ground principally rest its defence." This principle you positively deny; vainly imagining, that if you could destroy it, you would thereby carry your point, and save British property from confiscation. Here I would remark, that the delegates have assigned *several other* reasons to justify the confiscation, *each* of which is sufficient; RETALIATION *alone* must justify the measure, in the opinion of every sensible whig in America. When you deny, that *all* British subjects are *not aliens*, I wish you had explained yourself. Do you mean to admit, that the *criminal* subjects of Great-Britain, i. e. those who have been engaged in the war, &c. are aliens, and to deny, that those, you call *innocent* or *unoffending* members, are not aliens? If you do not mean such admission, or denial, be pleased explicitly to declare what British subjects you admit, and what you deny, to be aliens? You positively pronounce, that the delegates were mistaken; I as positively affirm you are. Be pleased, Sir, to attend to the argument, you adduce, to prove, "that the Americans born before the declaration of independence, are *not aliens* in Great-Britain, and that they may still inherit, or sue to recover, lands in that kingdom." You have discovered, in *Calvin's* case, that persons, born within the duchies of Normandy, &c. while under the actual obedience of the kings of England, could *inherit* lands there. You also find, that the judges of James I, determined, that Calvin, born after his accession of James to the crown of England,

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* *Gilb. Hist. Com. Pleas*, 166.

† *Bro. Forfeit de Terres*, 57. *Property*, 38.

was NOT AN ALIEN in England, but could inherit lands there; and assigned, as the reason for their judgment, that, by the law of England, every person born *within* the dominion, or allegiance of the king of England, cannot be an *alien*. Here I would observe, that the determination in the case of those born within the duchies of Normandy, &c. appears to me, to be good law, and was cited by the judges, to support the opinion they intended to give, in Calvin's case, but it is not similar to it. I would further remark, that the principal judgment in Calvin's case, i. e. that he, Calvin, was not an alien, is not (in my opinion) law. The general positions, that every person, born within the dominion and allegiance of the king of Great-Britain, is *not an alien*, BUT A NATURAL BORN SUBJECT, and that every person, born *out* of the dominion, or allegiance of the king of Great-Britain, and under the allegiance of some other prince or state, is an alien, are uncontrovertible; and to prove their truth, you need not have had recourse to Calvin's case. It is from these positions, and these alone, you attempt to prove, and do assert, "that all Americans, born before the declaration of independence, are not aliens, but may inherit, or sue to recover, lands in Great-Britain;" and for this reason, because they were born under the allegiance of the king of Great Britain. To prove that the declaration of independence cannot have any effect, i. e. cannot make the subjects of Maryland aliens in Great-Britain, nor the subjects of Great-Britain aliens in Maryland, you rely on an *opinion* of the judges, in Calvin's case *, "That the *post nati*, being born under one allegiance, should *remain natural born subjects*, and *not aliens*, though the kingdoms should, by descent, be *divided*, and governed by several kings, and the judges founded their opinion on these reasons; 1. *naturalization* due and vested by *birthright*, cannot, by any separation of the crowns, afterwards, be taken away; 2. a person, who was, by judgment of law, a natural subject, at the time of his birth, cannot become an alien, by such *matter ex post facto*." You think this opinion good law, and affirm, that there is no difference, whether the empire becomes divided, as in the event, supposed in Calvin's case, by the descent of the crown on different persons, or, as in our case, the division of the British empire, by the war, and our declaration of independence, and establishing a new state.

There are several unanswerable objections to this opinion of the judges. 1. It was an *extra judicial* or *obiter* OPINION, and not a legal decision, and consequently of no authority even in England. 2. It was a *political* opinion, in conformity to the will of their weak and wicked prince. 3. It is not law in the extent you conceive, that is, if the crown should become separate, the *Scots post nati*, who might continue to reside in Scotland, and yield allegiance to its king, should, notwithstanding, be deemed English subjects, and, e contra, the English post nati, &c. 4. If not considered in such extent, it is wholly inapplicable to your case, and reasoning, because the Americans, now subjects of this state, do not continue to reside within the British dominions, or to acknowledge, or yield any obedience to its king. 5. If it is admitted to be law, and to apply to the Americans, who have since, the declaration of independence, continued to reside in Great-Britain or its dominions, and to acknowledge its monarch as their king, yet it cannot be law, or applicable to the inhabitants of this state, and more especially to you, and others who have sworn allegiance to this government. 6. A case, like an argument, which proves too much, proves nothing, and Calvin's case, and the reasons assigned for it, if they prove that all Americans born before the declaration of independence are not aliens to Great-Britain, will also prove that they must still remain British subjects. If you will again turn to the case, you will find, that the judges not only determined, that Calvin was *not an alien*, but also that he was a NATURAL BORN SUBJECT †; and every reason urged to maintain the one, equally supports the other; and if you will again advert to the extrajudicial opinion, you have recited, you will discover, that the judges gave their opinion, not only, that the post nati, in case of the separation of the crown, could *not* be considered as *aliens*, but they also declared, that *they must remain natural born subjects*, notwithstanding that event.

On further search you will also discover, that by the law of England, and by the law of all other nations, all the members of a nation are considered as subjects, and all *not* members, or subjects, are considered as *aliens*, or *foreigners*; and that the terms *subjects* and *aliens*, are convertible, and opposed to each other. You will learn, that the people, or inhabitants, of every nation, are either citizens or subjects, and aliens or foreigners; every person in all societies must be one or the other; and that by the law of England, every person is deemed a subject, or an alien. You will also learn, that by the laws of all countries. 1. Whoever is an alien to a state is not a subject. 2. Whoever is *not* an alien is a subject. 3. Whoever is not a subject is an alien. And 4. Whoever is a subject is not an alien. You have laboured to prove, that *all* Americans born before the declaration of independence, are not aliens in Great-Britain, but can inherit, and sue to recover, lands in that kingdom. You did not consider, 1. That if such Americans are *not aliens* in Great-Britain, they must be its subjects; because there is no medium, no middle way, they must absolutely be the one or the other; their *civil* capacity is indivisible, and cannot be qualified. 2. That, to entitle them to inherit, they must *now* be subjects of Great-Britain, because none, but subjects, can inherit lands in that kingdom. 3. That to enable them to sue in its courts, they must *still* be subjects, because none, but subjects, can sue for lands in its courts. You must admit that all Americans born before the declaration of independence, who either *expressly*, or *impliedly*, owe allegiance to this state, are its subjects. You must also admit, that no person can be a subject of, or yield allegiance to, two states. You have admitted, that all born in this state, since the declaration of independence, are aliens to Great-Britain, and I infer, that you will allow them to be subjects of this state.

You observe, that "consequences have been imputed to the doctrine laid down in Calvin's case, with which it is not justly chargeable." I here again wish you had been explicit; I expressly charge you with having asserted, and attempted to prove, that the subjects of this state are British subjects; not in so many words, or in express and positive terms, but by an *indispensable* and *necessary implication*. Even an intimation, that we are, at this day, British subjects, is disagreeable and harsh to the ears of a whig; but to assert it, directly or indirectly, creates disgust and indignation. It strikes directly at our independence, indirectly accuses those, who have sworn allegiance to this state, of perjury, and tends to subvert our present government. What must be the feelings of the members of congress, our different legislatures, and executive departments; of our most virtuous and illustrious commander in chief; the generals, and other officers; our brave and gallant soldiers; and the whig citizens of all these states; to hear such sentiments; to hear a Senator publish to the world, that they are still the subjects of the wicked tyrant of Britain, whom they have, with all the solemnities of religion, abjured and renounced for ever? Every whig nerve vibrates with horror at the thought. All this *you* have done, either from ignorance, or design; charity induces me, at present, to believe from an error in judgment only. You have, before this, seen the opinion of other writers, that you have maintained, that we are still British subjects. I now make the charge expressly, and call on you to explain, and to apologise; or to answer, and to justify. The public will not be satisfied, by general allegations, that you have been misunderstood, or misrepresented, or that improper inferences have been drawn from the doctrines, you have advanced, and the authorities you have cited. You must not remain any longer silent; if you do, you will stand convicted, your understanding, or political character, or both, will suffer in the opinion of the world. If you should be inclined to appear in print, on this subject, that every man may understand the point, and that you may not depart from it, I will briefly recapitulate the three modes, by each of which you have (as far as in your power) proved us, at this time, British subjects. 1. You assert that, all Americans, born before the declaration of independence, are *not*, at this time, *aliens*, in Great-Britain: this conclusion *necessarily* follows, if *not aliens*, they are still *British subjects*. 2. You contend, that all such Americans can *now* inherit in Great-Britain: this inference is indispensable, if they can *inherit* there, that they must *now* be *British subjects*. 3. You maintain, that all such Americans can *now* sue in the courts of Great-Britain, to recover lands: this consequence must of necessity follow, that if they can prosecute such suits, they are, at this hour, the *subjects* of Great-Britain. You have admitted, "that every person, born within this state, *since* the declaration of independence, is *an alien* to Great-Britain;" be pleased to answer, whether, if *aliens* to Great-Britain, they are not *subjects* of this state; whether they became *aliens* to Great-Britain, in virtue of the declaration of independence, if in consequence of that act, whether they did not thereby become subjects of this state? Whether the declaration of independence had any, if any, what effect on their parents? If it had any effect on the children, different from what it had on the parents, what is the difference, and the cause? One other question, for your consideration. If the parents can inherit in Great-Britain, because they are *not* (as you say) aliens, to that kingdom, can their children, who (you say) are *aliens*, *inherit* to their fathers?

P Y M.

March 23, 1780.

* 7 Cok. rep. 27 a & b. † 7 Co. 24 b. at bot.

LONDON.

HOUSE of COMMONS,

THURSDAY *November* 25, 1779.

LORD *George Gordon*, whose letter wrote in quality of president of the associated protestants of Scotland and England, was published in our last paper, delivered himself in a manner which perhaps it would be dangerous (for an out door person) to relate: the papers of the opposition themselves agree that *from one end to the other it breathed high treason*.

He made an analysis of the debates of the parliament of Ireland, and added a degree of warmth, of liberty, and resentment to a discourse already sufficiently animated, of which we shall give extracts: he treated administration with infamy, he accused them not only of having dismembered America from the crown, but of having alienated the affections of England, Scotland and Ireland. With respect to Scotland, he said, that it had 150 thousand men ready to execute the vengeance of the nation upon its ministers: he made thereupon to these same ministers a very artful proposition, which was to send into that kingdom arms and accoutrements compleat for 30 thousand men! He spoke on this occasion very highly in praise of Paul Jones: Said that this brave man was his countryman and praised him particularly that he did not burn Greenock, and other places, which he could have very easily executed: He lamented that the Scotch petitions had been neglected, adding that they had made some resolutions, of which he intended to make a collection in two volumes, one for the king the other for the prince of Wales. To soften what he had said, lord George Gordon finished, by declaring that the Scotch had remarked, that the government had adopted the conduct for which the family of Stuart had been expelled, and that they firmly believed the king was a papist!

It did not appear that lord North thought he ought to answer such strange declamations, but he arose immediately after lord George, no doubt expecting that what he had to say would give a more favourable turn to the debate, and cause it to be less animated; I do not deny, said the minister, but what the conjecture was very alarming and dangerous; a powerful confederation was formed against Great-Britain, who even to this very moment finds herself without allies; if this last circumstance is disadvantageous, is it just that you should blame the ministers? The fact is, that no foreign power has judged it proper or necessary to espouse the cause of Great-Britain; how can the ministers help this? At most, although we have been deprived of this resource, what has happened so disgraceful for us? They have meditated an invasion, have continued to make formidable armaments; but in the midst of all these alarming appearances, what is in fact our real situation? We are in a better state to repel any attack whatever, than we were at the time of the declaration of Spain: while our forces have daily increased, what is the true situation of the enemy? What have they done from which they could draw any advantage? They have encouraged monstrous expences, have threatened us with every thing that can justify the fears of a nation: in what have all these threats ended? In nothing. They have lost the summer, have made a vain parade on our coasts, with a superiority of numbers so decided, that it would not have been pardonable to have hazarded an action against them. However, if we had been informed of some circumstances relative to their internal situation, and which we at present know, I should have been very easy in learning that our fleet had attacked theirs. It must be confessed that Plymouth was not in the state it ought to have been, however there were two regiments more there than the year before, and as it was not natural to suppose that the enemy would have attacked it, before they had beat our fleet, in the interval Plymouth would have been found in a better state of defence; but at present I could have wished that the enemy had effected a descent, there would have resulted great good from it to Great-Britain. The next year we shall be able to act with more vigour and *perhaps* with more effect; but if we should consider that this year we have only acted on the defensive, and the enemy on the of-

fenſive, it muſt be confeſſed that to take it altogether, we have come off very well; with regard to Ireland, all that I can ſay is that I hope that the obſtinate prejudices, and the violent meaſures ſuggeſted by the ſecret enemies of theſe two countries will not raiſe a barrier between the intentions of England and the good of Ireland; our deſire is to form an advantageous plan both for the one and the other; *to give to Ireland all the advantages of commerce; in freeing them from all its diſadvantages, would be the ruin of England; but I hope that the two kingdoms conſulting their true intereſt will amicably embrace the overtures that ſhall be made there when they ſee that juſtice and equality are the baſis of the ſyſtem that will be propoſed to them.* Lord North afterwards anſwered diſtinctly to the different imputations contained in the ſpeech of Mr. Thomas Townſend.

Admiral *Keppel* ſpoke in his place; condemned highly the meaſures that the miniſtry had taken, or rather, had neglected to take at the beginning of the laſt naval campaign. Why, ſaid he, did you not ſend a fleet to ſea in time, to have prevented the junction of the two fleets? Why did not Sir Charles Hardy open the campaign by the blockade of the harbour of Breſt? By this neglect you have left the enemy at liberty to attack you wherever they pleaſed: if you are quit of an alarm; if Mr. d'Orvilliers has not landed at Plymouth, and has not reduced that town and its arſenals to aſhes, it was only the violent eaſt-wind, which blew while he was before it, that hindered him from approaching near enough to have effected a landing. The miniſters ſay, that next year they will act with more vigour! They talk of reinforcements: for my part, to ſpeak freely, I expect no good from all that they can do, at leaſt that with *inferior forces*, they will not be able to fight the enemy, for we are ſure that he can always preſerve a ſuperiority in number over us; and that by the month of May next the French will ſend to ſea eight ſhips of the line more than they had the laſt year; the Spaniards four.

Friday 26*th*, lord *Lewiſham* having appeared with the addreſs which had been entruſted to a committee the evening before, there aroſe many new debates on this ſubject.

Sir *George Young*, among other motives for the oppoſition, he thought he ought to make to the form of the addreſs, alleged the defenceleſs ſituation of Plymouth, when the combined fleet appeared before it; he aſſerted, and offered to prove at the bar of the houſe, that it was ſo defenceleſs, that if the French had thought proper to have taken it, they might very eaſily become maſters of it.

Lord *Shuldham*, who commanded at Plymouth at the very time, aſſured the houſe to the contrary, aſſerting, that to his own knowledge, there were there at that very time 2000 barrels of powder, and all other ſupplies in proportion: that to ſay a 74 gun ſhip could have taken the place, was a ſtrange aſſertion; that beſides the irregularity of the tides and currents rendered the coming into that harbour ſo difficult, that the enemy could not have landed but from their boats, and that at preſent Plymouth was impregnable.

To this captain *Minſbell*, who was in garriſon at Plymouth, objected, that the neceſſary utenſils for the ſervice of the artillery at the batteries on the iſland of St. Nicholas were abſolutely wanting; that at thoſe batteries there was not a man who had ever fired a gun.

Sir *Charles Frederick* anſwered, that in the iſland of St. Nicholas, there was powder and ball ſufficient for 70 rounds, that as for the utenſils, they could have been procured in a quarter of an hour.

ANNAPOLIS, *March* 24.

The honourable the congreſs have recommended to the ſeveral ſtates to ſet apart Wedneſday the 26th of April next, as a day of faſting, humiliation, and prayer, and to abſtain, on that day, from all ſervile labour and recreations.

*** *The firſt number of the* REPUBLICAN, *and* ANGLO-AMERICANUS, *will be inſerted.*

HARPSICORDS, SPINETS, and PIANO FORTES, repaired and put in tune, by ARCHIBALD CHISHOLM, in Annapolis.

He agrees either by the year, or ſo much per time, to keep any of the above inſtruments in good order. 10 to 50 Dollars

A PETITION will be offered to the firſt ſeſſion of the general aſſembly after this notice ſhall have been publiſhed eight weeks, for an act to empower the ſubſcriber (now a minor) to make a good and ſufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make ſale of.

8w CHARLES [illegible]RYE.

CAMBRIDGE RACES.

TO be run for, on the 15th day of May next, over the courſe at Cambridge, the four mile heats, a purſe of ſeven hundred and fifty pounds, free for any horſe, mare, or gelding, on the terms below.

On the day following will be run for over the ſame courſe, three mile heats, a purſe of three hundred and ſeventy-five pounds, free for any horſe, mare, or gelding, on the ſame terms.

And on the third day will be run for, over the ſame courſe, a purſe of two hundred and fifty pounds, free for any horſe, mare, or gelding, on the ſame terms as the firſt and ſecond day's race.

Any horſe, mare, or gelding, winning two clear heats either day, to be entitled to the purſe, the winning horſe each preceding day to be excepted. Any horſe that ſtarts for either purſe to be entered with Mr. Richard Bryan, the day before the day of running, otherwiſe to pay double entrance at the poſt. Proper certificates of their age and blood will be required. Non-ſubſcribers to pay 80 dollars the firſt day, the ſecond day 40 dollars, and the third day 30 dollars. Subſcribers to pay half entrance, each day. Proper judges will be appointed to determine all matters of diſpute agreeable to the rules of racing. Horſes to ſtart each day preciſely at 12 o'clock.

	aged	6 years	5 years	4 years
full blood	140	133	126	119
¾ ditto	133	126	119	112
½ ditto	126	119	112	105
¼ ditto	119	112	105	98
⅛ ditto	112	105	98	91
1/16 ditto	105	98	91	84
1/32 ditto	98	91	84	77
1/64 ditto	91	84	77	70

2

At Whitehall, on the north ſide of ſevern, YOUNG TRAVELLER will cover mares this ſeaſon, at two guineas each, to be paid before covering, or as much continental currency as will at the time purchaſe two guineas; eight dollars to the groom. He is a bright bay horſe, fifteen hands high, was got by colonel Lloyd's Traveller, which was got by Morton's Traveller, whoſe dam was called Jenny Cammeron, imported by colonel Taylor into Virginia. Young Traveller's dam was got by Gorge's Juniper, his grand dam by Morton's Traveller, and his great grand dam by the Godolphin Arabian.

Good paſturage for mares, at ſix dollars a week, but I will not be anſwerable for any that may be loſt.

tf 2 WILLIAM YELDELL.

THE horſe SWEEPER, which ſtood laſt year at Belair, in Prince-George's county, will be there again this ſeaſon, from the 10th day of April till the 3d day of July, and will cover at two guineas each mare, and ten dollars continental currency to the groom; the money to be paid before the horſe be led out of the ſtable, and if it ſhould not ſuit all the perſons who may bring mares to pay the guineas, as much continental currency as will at the time purchaſe them will be taken in lieu thereof. Sweeper is fifteen hands two inches and half high, was got by Dr. Hamilton's Figure; his dam was got by Othello, which was bred by col. Taſker, his grand dam by Morton's Traveller, and his great grand dam was colonel Taſker's Selima, got by the Godolphin Arabian.

There will be good paſturage (well fenced in) for mares, at ſix dollars a week, but I will not be anſwerable for any that may be loſt.

2 tf JOHN CRAGGS.

Prince-George's county, March 10, 1780.

To be SOLD, at PUBLIC VENDUE, on the ſecond day of the enſuing March court at Mrs. Gibſon's, in Upper Marlborough, for continental currency or tobacco,

TEN country born SLAVES, conſiſting of one young fellow, uſed to plantation buſineſs, one valuable houſe wench and child, one ditto and three children, one boy about thirteen years of age, & two girls about ten or eleven.

2 FIELDER BOWIE.

A PETITION will be offered to the firſt ſeſſion of the general aſſembly after this notice ſhall have been publiſhed eight weeks, for an act admitting to record and giving effect to the date to a deed executed in Prince-George's county, by Mary Athey to John Webſter, for part of a tract of land called Athey's Chance.

6w JOHN WEBSTER.

February 26, 1780.

THE ſubſcriber gives this public notice, that he will apply for letters of adminiſtration on his deceaſed father's eſtate, if his elder brothers, to whom he gives the preference, do not take them out within a month from this date.

3w 3 WILLIAM FRENCH.

WANTED IMMEDIATELY, in the city of Annapolis,

A PERSON properly qualified to undertake the tuition of youth, in Latin, Arithmetic, and to read and write Engliſh. It is purpoſed to create a fund for his ſupport, which is intended to be very liberal, and every way adequate to the times; the expences of his board will be defrayed, and a ſchool-houſe found. The number of pupils not to exceed twenty.

A proficient in the claſſics is moſt deſirable; yet ſhould no ſuch one offer himſelf in a ſhort time, any perſon of a good character, well qualified in the other branches above enumerated, will be accepted. Apply to

tf 2 ELIE VALLETTI.

NOTICE is hereby given, that by an act of aſſembly made and paſſed at a ſeſſion of aſſembly of the ſtate of Maryland, begun and held at the city of Annapolis, on the 8th day of November, 1779, the bills of credit, dated January 1, 1767, emitted and made current by an act of aſſembly, paſſed November ſeſſion, 176[illegible] are directed to be brought in and depoſited with the weſtern ſhore treaſurer, on or before the 1ſt of June next, or thereafter irredeemable; for which the holders of ſaid bills of credit may, at their option, receive either bills of exchange drawn on the truſtees of ſaid ſtate at London, or ſtate loan-office certificates, bearing an annual intereſt of ſix per cent. But if the bills of exchange, or any of them, to be drawn in virtue of ſaid act, ſhall not be paid, the ſame ſhall be renewable, but neither the drawer, or any endorſer thereof, ſhall be anſwerable for, or liable to pay, any damages thereon, other than the charges of proteſt.

4

N. B. The printers in the adjacent ſtates are requeſted to inſert the above in their reſpective papers.

WHEREAS, colonel Edward Sprigg, late of Prince-George's county, deceaſed, having, by his laſt will and teſtament, directed his executrix to ſell and diſpoſe of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the firſt day of June after his deceaſe, for the payment of his debts; and whereas his executrix, through ſickneſs and inability of body, could not attend ſo as to make ſale thereof by the time limited in the ſaid will, ſhe hereby gives this public notice, that after a continuance of this advertiſement eight weeks in the public papers, ſhe intends to petition the general aſſembly for an act empowering her to diſpoſe of the ſaid land, in order to enable her to make a final ſettlement of the eſtate of the ſaid teſtator.

8w 8 MARY PINDELL, executrix.

ONE HUNDRED DOLLARS REWARD.

January 6, 1780.

RAN away from the ſubſcriber's plantation, about ſeven miles from Annapolis, on the main road leading from thence to Baltimore, on Monday the 21ſt day of December laſt, a likely young NEGRO man, named TOM, about five feet eight inches high, a ſtout well ſet fellow with thick lips, and his legs rather large; had on when he went away, a light coloured country made cloth jacket, with a red ſhort waiſtcoat under it, a pair of light coloured country cloth breeches, and alſo took with him a pair of leather breeches, dark coloured yarn ſtockings and two pair of ſhoes. It is apprehended that he may have endeavoured to get over into Virginia, from whence he was brought when a ſmall boy and was then the property of John Hamilton Jordan, Eſq; deceaſed. Whoever will apprehend the ſaid negro, and bring him to the ſubſcriber, ſhall receive the above reward if taken in Maryland, and if out of Maryland a further reward of one hundred dollars, beſides all reaſonable charges, paid by

6 ELIZABETH SCOTT.

ANNAPOLIS: Printed by FREDERICK and SAMUEL GREEN, at the POST-OFFICE in *Church-Street.*